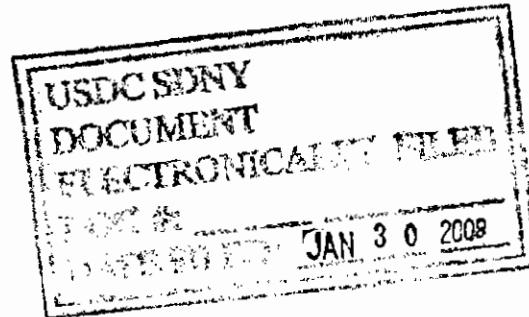


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Counsel for Plaintiff and the Proposed Class

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADAM JERNOW, on behalf of himself and all others similarly situated,

No. 07-CV-3971(LTS) (THK)

Hon. Laura Taylor Swain

Referred to Magistrate Judge Katz

vs.

WENDY'S INTERNATIONAL, INC.,

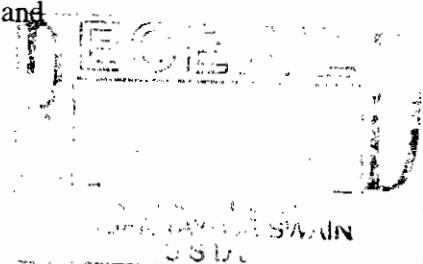
Defendant.

STIPULATION AND [PROPOSED]
 ORDER RE AMENDMENT TO
 COMPLAINT TO ADD AN
 ADDITIONAL PLAINTIFF

Plaintiff Adam Jernow ("Jernow") and Defendant Wendy's International, Inc.

("Defendant") (collectively, the "Parties") through their respective counsel, mutually stipulate and agree as follows:

1. On November 19, 2007, this Court entered a pre-trial scheduling order that set January 25, 2008 as the deadline to add any additional parties; and



2. Plaintiff Jernow wishes to file a second amended complaint to add Leah McLawrence as an additional named plaintiff; and
3. By stipulating to the filing of the second amended complaint, the Parties agree that Defendant does not waive its right to later contest the adequacy of either Mr. Jernow or Ms. McLawrence as class representatives; and
4. Defendant shall have 10 days to file its answer to the second amended complaint.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that, pursuant to order of the Court, Plaintiff's Second Amended Complaint attached hereto as Exhibit A that adds Leah McLawrence as an additional named plaintiff is hereby deemed filed.

Dated: January 25, 2008

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Attorneys for Defendant

Attorneys for Plaintiff

SO ORDERED:

1/26/2008
HON LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE